

RAS 8745

DOCKETED 11/01/04

October 29, 2004

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In the Matter of
DUKE ENERGY CORPORATION
(Catawba Nuclear Station, Units 1 and 2)
Docket Nos. 50-413-OLA and 414-OLA

Dear Administrative Judges:

This is to confirm an electronic mail message sent to the Board and parties in the instant case on October 28, 2004. As reflected in that electronic mail message, the NRC Staff incorrectly identified Enclosure 4 to item 3 of Ms. Curran's informal discovery letter as discoverable. This was a mistake. As argued at a closed session on October 25, 2004, the Staff opposes BREDL's access to the information contained in item 3 of Ms. Curran's letter. The basis for the Staff's determination, as argued in the closed session, is the generic nature of the information contained therein and the fact that the information concerns force-on-force exercises that have tested solely against the DBT for radiological sabotage (an issue that the Commission has repeatedly stated is beyond the scope of this proceeding).

Therefore, the Staff continues to oppose BREDL's access to item 3 for the reasons previously articulated in this proceeding.

Sincerely,

/RA/

Antonio Fernández
Counsel for NRC Staff

cc: Service list